

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 PM-04 OES-03 INR-07 /024 W

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R 190823Z AUG 75

FM AMEMBASSY TAIPEI

TO SECSTATE WASHDC 6702

INFO NATNAVMEDCEN BETHESDA

CHBUMED WASHDC

CNO WASHDC

NAMRU-2 TAIPEI

COMUSTDC

C O N F I D E N T I A L TAIPEI 5372

MOINT EMBASSY/NAMRU/TDC MESSAGE

MATNAVMEDCEN FOR NAVMEDRSCHDEVCOM

EO 11652 GDS

TAGS MARR, TW

SUBJECT: CONTINUATION OF NAMRU-2 IN TAIPEI

REFERENCES: A. STATE 168354 (171523Z JUL 75) (NOTAL)

B. TAIPEI 2998 (300517Z MAY 75)

C. STATE 049261 (052014Z) (NOTAL)

D. TAIPEI 0374 (220800Z JA 75) (NOTAL)

1. EMBASSY, NAMRU-2 AND TDC OFFICER CALLED ON MOFA AUGUST 12 AND OUTLINED USG POSITION: ACCEPTANCE OF ROC PROPOSAL TO EXTEND THE NAMRU-2 AGREEMENT FOR THREE YEARS, RETENTION OF RIGHT OF UNILATERAL TERMINATION, AND PROVISION FOR FURTHER EXTENSION OF NAMRU-2 BY MUTUAL AGREEMENT (REF A). MOFA OFFICER (CHARLES KING, DEPUTY DIRECTOR, NORTH AMERICAN AFFAIRS DEPARTMENT) INITIALLY ACCEPTED USG PROPOSALS OUTLINED ABOVE--AGREEING THAT THE TERMINATIONS AND EXTENSION LANGUAGE CONTAINED IN US NOTE NO. 13 OF OCTOBER 14, 1955 (P.8 TIAS 3493) WOULD BE SATISFACTORY WITH MINOR CHANGES.

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2. AFTER ACCEPTING USG POSITION, KING THEN PROPOSED A TEN OR TWENTY-YEAR EXTENSION OF THE AGREEMENT WHICH HE SAID HE UNDERSTOOD WOULD BE IN ACCORD WITH USG DESIRES. EMBOFF EXPLAINED THAT USG HAD DESIRED AN INDEFINITE

AGREEMENT, BUT UNDER INSTRUCTIONS WE WERE NOW WILLING TO ACCEPT GROC'S ORIGINAL PROPOSAL OF A THREE-YEAR EXTENSION. AFTER ADDITIONAL DISCUSSION, KING AGAIN RETURNED TO AND ACCEPTED THE THREE-YEAR EXTENSION APPROVED BY DEPARTMENT.

3. KING THEN RAISED A POINT WHICH HE WISHED TO CLARIFY AND INCLUDE IN THE AGREEMENT. HE REQUESTED THAT THE EXCHANGE OF NOTES INCLUDE A STATEMENT THAT BOTH PARTIES RECOGNIZE NAMRU-2 AS A SOFA ENTITY, THUS CONFIRMING BOTH THE INTENTION OF THE ORIGINAL AGREEMENT AND THE EXISTING SITUATION. HE REJECTED EMBOFF'S SUGGESTION THAT LETTERS COULD BE EXCHANGED IN THE JOINT SOFA COMMITTEE ATTESTING TO NAMRU-2'S STATUS AS A SOFA ENTITY. AFTER DISCUSSION, KING ASKED TO DEFER THE QUESTION IN ORDER TO SEEK CONCURRENCE FROM MOFA'S TREATY DEPARTMENT TO ONE OF THE FOLLOWING SOLUTIONS: (1) A SPECIFIC STATEMENT IN THE EXCHANGE OF NOTES; (2) A LETTER FROM THE EMBASSY RECOGNIZING NAMRU-2 AS A SOFA ENTITY; (3) ORAL AGREEMENT THAT NAMRU-2 IS A SOFA ENTITY AND THAT IT IS NOT NECESSARY TO FURTHER CLARIFY ITS STATUS.

4. MOFA THEN RAISED THE QUESTION OF NARM7-2'S LEASE, STATING THAT THE GROC WOULD AGREE TO A THREE-YEAR EXTENSION, BUT WOULD NOT AGREE TO ANY ADDITIONAL RENEWAL. KING EMPHASIZED THAT GROC IS WILLING TO EXTEND OVERALL AGREEMENT FOR TEN OR TWENTY YEARS, BUT NAMRU-2 MUST AGREE TO VACATE ITS CURRENT BUILDING WITHIN THREE YEARS. WHEN EMBOFF SUGGESTED THIS WAS NOT AN ISSUE TO BE NEGOTIATED BETWEEN THE EMBASSY AND MOFA (BECAUSE THE LEASE AGREEMENT IS BETWEEN THE US NAVY AND NATIONAL TAIWAN UNIVERSITY), MR. KING WAS EMPHATIC IN NOTING THAT THIS POSITION HAD BEEN DISCUSSED AND AGREED TO BY THE MINISTRY OF FOREIGN AFFAIRS, MINISTRY OF NATIONAL DEFENSE, AND THE MINISTRY OF EDUCATION, AND ALL PARTIES SHOULD NOW CONCUR ON THIS POINT. HE ALSO SAID THAT IT WOULD BE NAMRU-2'S RESPONSIBILITY TO FIND AN ALTERNATE SITE. EMBOFF SAID WE WERE NOT PREPARED TO CONCUR AT THIS TIME AND SUGGESTED CONFIDENTIAL

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THE QUESTION BE DISCUSSED AT A LATER MEETING.

5. SINCE AGREEMENT HAD BEEN REACHED TO EXTEND NAMRU-2 FOR THREE YEARS, BUT QUESTIONS REMAINED ABOUT HOW TO RECOGNIZE NAMRU-2'S SOFA STATUS AND TO PROVIDE FOR AN ACCEPTABLE LEASE ARRANGEMENT, BOTH SIDES THEN AGREED TO MEET AGAIN AFTER FURTHER STUDY.

6. COMMENT: IT WAS CLEAR FROM THIS DISCUSSION THAT, APART FROM ITS BASIC INTEREST IN NAMRU-2'S CONTINUATION FOR A LENGTHY PERIOD, GROC'S MAIN CONCERNS ARE TO HAVE NAMRU-2 CLEARLY RECOGNIZED AS A SOFA ENTITY AND TO HAVE NAMRU-2 VACATE ITS CURRENT BUILDING IN THREE YEARS.

7. EMBASSY'S RECOMMENDATION: SUBJECT TO THE DEPARTMENT'S CONCURRENCE, THE EMBASSY PLANS TO MAKE THE FOLLOWING PROPOSAL TO MOFA:

A. EMBASSY AND MOFA EXCHANGE DIPLOMATIC NOTES SIMPLY STATING THAT NAMRU-2 IS RECOGNIZED AS A SOFA ENTITY PURSUANT TO THE PROVISIONS OF THE 1955 AGREEMENT.

B. AFTER EXCHANGE OF DIPLOMATIC NOTES, THE US REPRESENTATIVE TO THE JOINT SOFA COMMITTEE WILL NOTIFY HIS COUNTERPART THAT NAMRU-2 IS STILL CONSIDERED ESSENTIAL TO SUPPORT THE MISSION OF THE US ARMED FORCES UNDER THE MUTUAL DEFENSE TREATY, AND, THEREFORE, PURSUANT TO ARTICLES II AND III OF SOFA WHICH SUPERSEDES THE ORIGINAL AGREEMENT GOVERNING ITS ESTABLISHMENT, NAMRU-2 WILL CONTINUE TO OPERATE FOR SUCH PERIOD OF TIME AS ITS SERVICES ARE NEEDED.

C. INASMUCH AS NAMRU-2 IS A SOFA ENTITY, PURSUANT TO ARTICLE II OF SOFA, THE GROC WILL FURNISH A BUILDING FREE OF CHARGE TO NAMRU-2. NAMRU-2 AGREES TO SIGN A THREE-YEAR LEASE FOR THE CURRENT BUILDING.

8. IN BRIEF, THE FOREGOING PROPOSAL OBVIATES THE NECESSITY OF RENEWING THE AGREEMENT, RETAINS THE US RIGHT TO UNILATERALLY TERMINATE NAMRU-2 "WHEN ITS SERVICES ARE NO LONGER NEEDED", AND REQUIRES THE GROC TO ASSIST IN CONFIDENTIAL

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LOCATING ALTERNATE QUARTERS FOR NAMRU-2 SHOULD THEY BE REQUIRED.

9. HOWEVER, IN THE EVENT MOFA FINDS THIS PROPOSAL UNACCEPTABLE, WE PROPOSE THAT OUR BACK-UP POSITION SHOULD BE TO:

A. EXCHANGE DIPLOMATIC NOTES EXTENDING THE EXISTING NAMRU-2 AGREEMENT FOR THREE YEARS WHILE SPECIFICALLY RETAINING THE UNILATERAL TERMINATION CLAUSE AND STATING THAT BOTH SIDES RECOGNIZE NAMRU-2 AS A SOFA ENTITY.

B. STATE SEPARATELY TO MOFA THAT SINCE NAMRU-2 IS A SOFA ENTITY, WE WILL EXPECT THE GROC TO ENDEAVOR TO FIND SUITABLE ALTERNATE QUARTERS, SHOULD THEY BE REQUIRED, FOR NAMRU-2 BEFORE THE LEASE EXPIRES, IN ACCORDANCE WITH ARTICLE III OF SOFA.

10. ACTION REQUESTED: PLEASE ADVISE WHETHER DEPARTMENT CONCURS IN EMBASSY'S PLANNED RESPONSE TO MOFA.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY BASE AGREEMENTS, MEDICAL RESEARCH, NAMRU-2
Control Number: n/a
Copy: SINGLE
Draft Date: 19 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: buchant0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975TAIPEI05372
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750286-0119
From: TAIPEI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750898/baaaadwy.tel
Line Count: 164
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 25 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 JUL 2003 by CunninFX>; APPROVED <24 DEC 2003 by buchant0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: MARR, TW, US
To: STATE INFO NATNAVMEDCEN BETHESDA
CHBUMED
CNO
NAMRU-2 TAIPEI
COMUSTDC
Type: TE

Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006